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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,985	11/12/2003	Masoud Querashi		2984

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,985	Applicant(s) QUERASHI ET AL.	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application filed November 12, 2003.
2. Claims 1-12 have been examined. Claims 1, 5, 7 and 8 are independent claims.

Priority

3. The priority date considered for this application is November 12, 2003.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the electronic signature is not in proper format. See 37 CFR 1.4.

Drawings

5. The drawings filed November 12, 2003 are accepted by the examiner.

Specification

6. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood:

- a. disclosure at [0015], lines 21-22 and Claims 1, 2, 8, 9: "the call is parked," "camp call back," "camped call."

None of the above-mentioned terms/limitations has been found anywhere defined on the Internet. See the following definitions found on the Internet using Google "define:" function.

Art Unit: 2623

Definitions of **camp** on the Web:

- temporary living quarters specially built by the army for soldiers; "wherever he went in the camp the men were grumbling"
- a group of people living together in a camp; "the whole camp laughed at his mistake"
- temporary lodgings in the country for travelers or vacationers; "level ground is best for parking and camp areas"
- clique: an exclusive circle of people with a common purpose
- a prison for forced laborers; "China has many work camps for political prisoners"
- something that is considered amusing not because of its originality but because of its unoriginality; "the living room was pure camp"
- live in or as if in a tent; "Can we go camping again this summer?"; "The circus tented near the town"; "The houseguests had to camp in the living room"
- establish or set up a camp
- shelter for persons displaced by war or political oppression or for religious beliefs
- a site where care and activities are provided for children during the summer months; "city kids get to see the country at a summer camp"
- providing sophisticated amusement by virtue of having artificially (and vulgarly) mannered or banal or sentimental qualities; "they played up the silliness of their roles for camp effect"; "campy Hollywood musicals of the 1940's"
- give an artificially banal or sexual quality to
wordnet.princeton.edu/perl/webwn
- Câmp may refer to several villages in Romania: * Câmp, a village in the town of Vașcău, Bihor County* Câmp, a village in Urmeniș Commune, Bistrița-Năsăud County
en.wikipedia.org/wiki/Câmp
- Camp is a 2003 independent film, written and directed by Todd Graff, about an upstate New York performing arts summer camp. The film is based on Graff's own experiences at a similar camp called Stagedoor Manor.
[en.wikipedia.org/wiki/Camp_\(film\)](http://en.wikipedia.org/wiki/Camp_(film))
- Camp is an aesthetic in which something has appeal because of its bad taste or ironic value.
[en.wikipedia.org/wiki/Camp_\(style\)](http://en.wikipedia.org/wiki/Camp_(style))
- Camping is an outdoor recreational activity, in which the campers get away from civilization and enjoy nature by spending one or more nights at a campsite. They may use a tent, a primitive structure, a travel trailer or recreational vehicle, or no shelter at all. ...
[en.wikipedia.org/wiki/Camp_\(recreation\)](http://en.wikipedia.org/wiki/Camp_(recreation))

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- The Camp is the term used in the Falkland Islands to refer to any part of the islands outside of the islands' only significant town, Stanley, and often, the large RAF base at Mount Pleasant
[en.wikipedia.org/wiki/Camp_\(Falkland_Islands\)](http://en.wikipedia.org/wiki/Camp_(Falkland_Islands))
- is the service mark of the California Asset Management Program.
<https://eon.pfm.com/Tools/TermsAndConditions.aspx>
- A geographic site within the general incident area, equipped and staffed to provide food, water, sleeping, and sanitary services to incident personnel.
www.dnr.state.ak.us/forestry/fire/glossary.htm
- Traditional retreat during deer hunting season, which starts in mid-November, sends thousands flocking to the woods.
www.lssu.edu/admissions/lakerterms.php
- We use the term camp to mean a single recreation property. Most of the Utah North Area recreation properties are also called camps, though the Mantua Girls Home, for example, is more like a lodge.
big0.byu.edu:8080/MRP/Static.jsp
- a place where people live temporarily in tents, cabins, or other inexpensive or portable dwellings
www3.newberry.org/k12maps/glossary/index.html
- A temporary location where soldiers generally housed in tents.
www.forts.org/glossary.htm
- Cyclic adenosine monophosphate; a second messenger in the action of many hormones, including catecholamines, polypeptides, and glycoproteins. It serves to mediate the effects of these hormones on their target cells.
www.mhhe.com/biosci/abio/defs.mhtml
- A local unit of the Sons of Union Veterans of the Civil War. Generally preceded by a name and followed by a number.
suvchw.org/glossary.htm
- A small, ring shaped molecule that acts as a chemical signal in slime molds, as an intracellular second messenger in vertebrate endocrine systems, and as a regulator of the lac operon.
www.uni-graz.at/~binder/science/abc.html
- It is a piece of land given to UNRWA from the host government for building housing units for Palestinians refugees and taking care of them in these camps. UNRWA offers health and education services and provides garbage collection and sewage services. ...
www.fao.no/pub/rapp/418/418defeng.htm
- cyclic 3',5' - adenosine monophosphate, an important intracellular second messenger molecule formed from ATP by the enzyme adenylate cyclase. ...
home.sandiego.edu/~cloer/bio376/376gloss/376gloss.html
- colors-small bunting flags used to mark a company's camp, the color line, and some regimental maneuvers.
www.maine.gov/museum/collections/Flags/Level2/FlagGlos.html
- cyclic AMP
employees.csbsju.edu/wlamberts/bio306/vocab/vocab1.htm

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- A form of comedic parody where the clichéd conventions of a dramatic form like adventure are deliberately exaggerated to the point of ridiculousness. Often unfairly used to describe superhero films and shows as "Batman" (1966) is a prime example of this form of comedy.
www.cyberparalegal.com/entertainment_glossary.htm
- Comprehensive Assessment and Monitoring Program
www.delta.dfg.ca.gov/camp/glossary.html
- made up of various symptoms such as fever or diarrhea which happened when troops were crowded together.
www.ehistory.com/uscw/features/medicine/cwsurgeon/commonterms.cfm
- a private compound of temporary or permanent residences. A camp may be very similar to a village, with the exception that a village has public areas which are open to non-residents. A camp may have common areas, but the camp itself is open only to residents and invited guests.
www.andyturnbull.com/sys/gloss.htm

Definitions of **park** on the Web:

- a large area of land preserved in its natural state as public property; "there are laws that protect the wildlife in this park"
- a piece of open land for recreational use in an urban area; "they went for a walk in the park"
- ballpark: a facility in which ball games are played (especially baseball games); "take me out to the ballpark"
- Scottish explorer in Africa (1771-1806)
- parking lot: a lot where cars are parked
- place temporarily; "park the car in the yard"; "park the children with the in-laws"; "park your bag in this locker"
- a gear position that acts as a parking brake; "the put the car in park and got out"
- maneuver a vehicle into a parking space; "Park the car in front of the library"; "Can you park right here?"
wordnet.princeton.edu/perl/webwn
- A park is a bounded area of land, usually in its natural or semi-natural (landscaped) state and set aside for some purpose, usually to do with recreation.
en.wikipedia.org/wiki/Park
- Park is a an American rock band, formed in Springfield, Illinois.
[en.wikipedia.org/wiki/Park \(band\)](http://en.wikipedia.org/wiki/Park_(band))
- Park is the name of an upcoming independent comedy-drama slated for release in 2007 courtesy of Mello Pictures, LLC. It was produced by Dana Jackson and directed by Kurt Voelker.
[en.wikipedia.org/wiki/Park \(2006 film\)](http://en.wikipedia.org/wiki/Park_(2006_film))

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- Park or Pak is one of the more numerous family names of the Korean people in Korea, which its origin is starting from King Park Hyeokgeose, the founder of Silla dynasty on 57 BCE. When written with a Chinese character (Hanja), it uses a character that means "sincere," "simple" and "unadorned. ...
[en.wikipedia.org/wiki/Park \(Korean name\)](http://en.wikipedia.org/wiki/Park_(Korean_name))
- Park Ward is a local government ward within Tunbridge Wells borough in Kent, England. It is made up of the Camden Park estate, the formerly separate village of Hawkenbury containing a regional Land Registry, Dunorlan Park and the Forest Road area, off which can be found the Tunbridge Wells ...
[en.wikipedia.org/wiki/Park \(Tunbridge Wells\)](http://en.wikipedia.org/wiki/Park_(Tunbridge_Wells))
- place or area set aside for recreation or preservation of a cultural or natural resource and under some form of government administration; not including National or State forests or Reserves (national historical landmark, national park, State park, wilderness area).
www.satelliteviews.net/featuredesc.htm
- Highly productive irrigated grasslands such as golf courses and turf farms
www.biosys.orst.edu/restore/classe_%20definitions.htm
- A piece of land enclosed by an imparkment (a fence or wall). It could be woodland or pasture.
www.gardenvisit.com/glossary/glossary.htm
- Wooded fields in the demesne of a manor, enclosed for the preservation of the lord's deer.
www.british-history.ac.uk/report.asp
- a park or recreational area for the public, generally planted with flowers, bushes, and trees (often used in the plural) the botanical gardens
encarta.msn.com/dictionary_1861674496/garden.html
- (Hunting) An open meadow or glade in mountainous terrain. A "park" can be located on a fairly steep slope. The term is descended from the French-Canadian trappers' word, "parque."
www.basspro.com/webapp/wcs/stores/servlet/CFPage
- (of artillery): a place chosen for the assembly of artillery, ammunition and associated equipment; artillery reserve.
www.lib.mq.edu.au/digital/lema/glossaries/militaryterms.html
- This database is for use by MIS personnel as a staging area for data conversion. It is not a Banner database and is not accessible by the user community.
www.fresh.unh.edu/it/db_instance_definitions.html
- "park" means the Saguenay-St. Lawrence Marine Park created by section 5.
www.canlii.org/ca/sta/s-1.3/sec2.html
- A site considered to be suitable for a broad range of waste management facilities, with the potential for co-location with other complementary waste management and re-processing facilities. ...
www.cornwall.gov.uk/index.cfm
- a pleasure ground act apart for recreation of the public, to promote its health and enjoyment.
foo.ncc.gov.ph/ecommunity/tacurong/index.php

- b. [0015], lines 40-41: the following statement is not understood and thus confusing for the examiner to determine whether Applicants' invention is a novelty to non-obvious over the prior art.
- c. It is not understood what is the claimed subject matter of the invention of Applicants after reading the whole disclosure (abstract, specification and claims). It appears that the features disclosed in the disclosure are well known in the art (e.g., the above-mentioned feature; digital radio broadcast system disclosed by U.S. Patent No. 6,588,015, radio reception system combined with a computer system disclosed by U.S. Patent No. 6,463,469; providing an information network system and a broadcasting receiving user terminal by which bi-directional communication – duplex communication – can be established disclosed in U.S. Patent No. 6,230,325, etc.).

Applicant is required to submit an amendment which clarifies the disclosure (especially the claims) so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

- 7. The specification is objected to because of the following minor informalities.
 - a. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
 - b. the Abstract is objected to because the abstract should not refer to purported merits or speculative applications of the invention (e.g., “[w]e find good use of these features...” and should not compare the invention with the prior art (e.g., “Current radio broadcast... We provide system and method...”).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

- c. In the specification at the paragraph describing the features of FIG. 5, the terms "routs" after "the main server 550" and the term "steams" after "in the 560 allows extraction of audio" are mis-typed.
8. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which Applicant may become aware in the specification.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Objections

9. Claims 1, 5, 6, 7, 8 and 12 are objected to because of the following informalities:

Claim 1

The recitation of each limitation in Claim 1 should be ended with a semi-colon to mark the end of the limitation; the recitation of the next limitation should start with a new line.

Claim 5

Claim 5 recites “[a] method to extract audio bits from digital TV broadcast using standard multimedia coding schemes.” The claim language of Claim 5 appears to merely be one of a preamble that states the purpose of the claimed method with no positive implementation steps claimed. Since Claim 5 is a method claim, the limitations in the preamble will not be given patentable weight.

Claim 6

Claim 6 recites “[s]aid service request of **claim 1**, can be to a digital TV broadcast, using method of as said in **5** for tunneling TV audio over said simplex conference with said caller of claim 1.” Emphasis added. It is understood that claim 6 depends upon Claim 1. However, it is not understood “using method of as said in 5,” since Claim 5 does not appear to recite any steps that are related to “for tunneling TV audio over said simplex conference with said caller of claim 2.” Furthermore, it is not understood the feature of “TV audio” that is to be channeled over simplex conference. It is a signal, e.g., TV audio signal, that is tunneled (?) over a channel during the simplex conference process?

Claim 7

The claim language of Claim 7 appears to be one of a preamble of a method claim. See above discussion.

Furthermore, Claim 7 recites “server B,” which appears to be the only server. Why B and not A?

Claim 8

- a. Claim 8 recites the limitation “the main commercial server B.” The limitation appears lack proper antecedent basis. Furthermore, as discussed in Claim 7, why B and not A?
- b. at line 7 of Claim 8, there is a period after commercial server B. Is Claim 8 terminated after “the commercial server B”?

- c. the limitation “[u]sing interactive dialogue response said server B narrows said caller request say restaurants to menu to cheese to Pizza” is ungrammatical and confusing;
- d. each limitation of Claim 8 should end with a semi-colon to mark the end of the limitation and the recitation of the next limitation should start with a new line;
- e. at line 10, “Sever B” should be changed to – Server --

Claim 12

- a. Claim 12 recites b., c. and d. limitations. It is unclear where a. limitation is.
- b. The limitation “the service gateway” appears to lack proper antecedent basis.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See discussion of the limitations “the call is parked,” “camp call back,” “camped call” in the objection to the specification supra.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1, 2, 3, 8, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1

a. Claim 1 recites the limitation "[s]erver A local repository is initialized with world broadcast stations fixed data e.g. call letters, RF allocation, [s]tation [a]lias, GPS coordinates etc." Exemplary language, such as "e.g." "etc.", is noted. Thus, it is unclear whether the limitations recited after "e.g." (i.e., call letters, RF allocation, station alias, GPS coordinates) are part of the scope of the claimed subject matter of the invention and whether other features inferred by the recitation of "etc." should also be included in the claimed subject matter of the invention

b. Claim 1 recites the limitation "[s]aid server A, camps the said caller." It is unclear as to the meaning of "camps" since a definition thereof is neither provided in the claims nor in the specification nor by "Google define:" function. The absence of a clear definition of this term precludes a reasonable search of the prior art by the examiner.

Claims 2 and 9

a. Claims 2 and 9 recite the limitation "may use." The recitation of the limitation is in permissive language. The broadest reasonable interpretation of

this limitation is that the “use [of] camp call back feature” is optional feature. The use of the verb “may use” renders the claim indefinite. Accordingly, any arguments that this feature provides patentable distinction over the prior art will be unpersuasive.

b. these claims recite the limitation “camp call back.” This limitation is nowhere found clearly defined either in the Abstract, or in the Specification, or in the claims, or in the prior art (e.g., Google “define:).

Claims 3 and 10

Claims 3 and 10 recite the verb “may” in the limitation “[s]aid caller of claim 1, may pre-register his request and enable auto schedule call...” The recitation of the limitation is in permissive language. The broadest reasonable interpretation of this limitation is that the “pre-registering and enabling” are optional features. The use of the verb “may” renders the claim indefinite. Accordingly, any arguments that this feature provides patentable distinction over the prior art will be unpersuasive.

Claim 8

Claim 8 recites the limitation “camped call.” This limitation is nowhere found clearly defined either in the Abstract, or in the Specification, or in the claims, or in the prior art (see above, e.g., Google “define:).

Claim 8 recites “pre-stored promotional commercial clip like 20% off with this id as said in 7.” The recitation of the limitation is in an exemplary language. It is unclear as to whether or not the feature of “20% off” is part of the claim and the extent of the scope of the claim, e.g., 99% to 1%?

Claim 10

Claim 10 recites the clause “say a companion ticket free” in the limitation “[s]aid caller of claim 8, may pre-register his request with his own defined promotion alert and enable auto schedule call to promoter to when such a promotion is entered with said server B by a promoter say a companion ticket free.” The recitation of the limitation is in an exemplary language. Thus, it is unclear as to whether “say a companion ticket free” should be included in or excluded from the claim.

Furthermore, the claim language is ungrammatical and thus incomprehensible.

14. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. § 112, second paragraph. In *Ex parte Lyell*, 17 USPQ 2d 1548 (Bd. Pat. App. & Inter. 1990), a claim directed to an automatic transmission workstand and the method steps of using it was held to be ambiguous and properly rejected under 35 U.S.C. § 112, second paragraph.

In Claim 1, it is unclear whether a system (e.g., server, communication access device, switched network, caller, etc.) or a process (e.g., to access real-time broadcast information) is claimed. With system and method both recited in the preamble, one would not know whether a system or a process is claimed.

Claim Rejections - 35 USC § 101

15. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

16. Claim 1 is rejected under 35 U.S.C § 101 because the claimed invention is directed to non-statutory subject matter.

A single claim which claims both an apparatus and the method steps of using the apparatus should also be rejected under 35 U.S.C. § 101, *Ex parte Lyell*, 17 USPQ 2d 1548 (Bd. Pat. App. & Inter 1990), based on the theory that the claim is directed to neither a “process” nor a “machine,” but rather overlaps two different statutory classes of invention set forth in 35 U.S.C. § 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. *Id.* At 1551.

Correction is required.

17. Claim 12 recites an article of manufacture comprising a **computer usable medium**. Since the disclosure does not provide any definition of computer usable medium claimed in Claim 12, a broad and reasonable interpretation will be given to the term carrier. A carrier has several very different meanings in science. For example, in physics, a carrier is a carrier wave, which is a waveform suitable for modulation by an information-bearing signal.

A carrier wave is clearly not a “process” under 35 U.S.C. § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures “relate to structural entities and can be grouped as ‘product’ claims in order to contrast them with process claims.” 1 D. Chisum, *Patents* § 1.02 (1994). The three product classes have traditionally required physical structure or material.

A claimed carrier wave has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A claimed carrier wave is not matter, but a form of energy, and therefore is not a composition of matter.

A product is a tangible physical article or object, some form of matter,

which a carrier wave is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A carrier wave, a form of energy, does not fall within one of the four statutory classes of § 101.

Accordingly, a carrier wave has no physical structure and does not perform any useful, concrete and tangible result.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

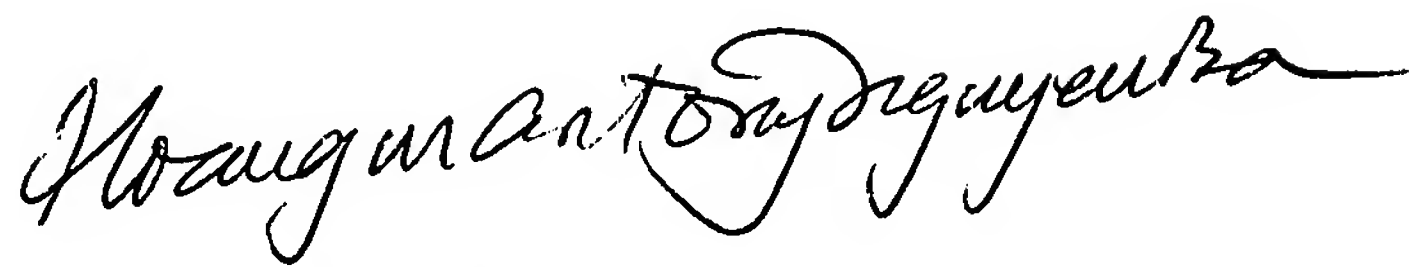
The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

A handwritten signature in black ink, reading "Hoang Van Antony Nguyen Ba". The signature is written in a cursive, flowing style.

ANTONY NGUYEN-BA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

October 13, 2007